



**CITY OF KINGSTON PLANNING BOARD
MEETING MINUTES
November 14, 2016
Common Council Chambers – 6:00 PM**

NOTES: (1) These meeting minutes are a summarization of notes and not an absolute transcript of dialogue. (2) All public hearings were conducted prior to the Planning Board discussions with the applicant(s) and any comment received is included within the written section of the minutes. (3) In the absence of full Planning Board Members, or in the case of a necessary recusal, the Planning Board Alternates will participate in the vote in order of seniority.

A meeting of the City of Kingston Planning Board was held on November 14, 2016 in the Common Council Chambers at Kingston City Hall, 420 Broadway, Kingston, New York. The meeting was called to order at 6:05 PM by Chairman Wayne Platte.

BOARD/ALTERNATE MEMBERS PRESENT: Wayne Platte, Chairman, John Dwyer Jr, Vice-Chairman, MaryJo Wiltshire, Charles Polacco, Robert Jacobsen, Jonathan Korn, Jamie Mills and William Tubby.

OTHERS PRESENT: Suzanne Cahill, Planning Director, Kyla Haber, Assistant Planner, Daniel Gartenstein, Asst. Corporation Counsel.

GENERAL NOTES:

1. Pledge of Allegiance
2. Introduction of all Board Members and Staff Present
3. Identify exits, bathrooms, no elevator in case of emergency
4. Silence cell phones, conversations should be taken out of room
5. Respect speakers

REGULAR BUSINESS:

Item #1: Open Public Speaking (6:00P.M. – 6:15 P.M.)

Chairman Platte opened the public speaking portion of the meeting.

Joseph DiFalco – resident of Glen Street – Spoke about Item #10, the proposed Irish Cultural Center - He doesn't want to listen to information that was already presented previously. Has actually went to the site and walked it physically. The photos of the site doesn't do the site justice. The building is actually a lot larger than pictures make it appear. He thinks that the Planning Board should visit the site and walk the property.

James Casey – Item #10 – spoke about the Irish Cultural Center – Yes site is larger than it looks and building is smaller than it looks. A renowned architect designed the building. If parking is an issue, it will be resolved. Many people think that this will be a real bonus to the community, Kingston, and the whole area.

Judith Emilie – 26 Abeel Street – Item # 10, proposed ICCHV – Said that she appreciates being able to speak at these meetings about the issues that the neighborhood has with the proposed ICCHV. Felt compelled to dispute the way neighbors and members of the Rondout have been portrayed throughout this process. Remarks were made by the ICC attorney at the previous Planning Board meeting. Other comments have been made by members of the ICC at other City meetings which suggests that neighbors are anti Irish. Jim Carey called neighbors selfish at the last public hearing and said that their concerns were only NIMBYism. Personal attacks are unprofessional. Many of the neighbors and business owners of the Rondout are Irish. Also, the two petitions that were submitted asking for a Positive Declaration on the SEQR action, one with 158 signatures and comments and the other with 103, show that is not NIMBYism. Many neighbors, business owners, and residents from all over Kingston have studied this proposal and know from their experience have said that this project will have lasting negative adverse impacts. The possibility of blasting alone could have a major impact on the surrounding historic district. Health Safety and welfare of the public should be considered. This is way beyond MIMBY. It is civic engagement on an issue, this is the public taking an active interest in their own well-being. I join them in asking for a Positive Declaration on the SEQR action.

Item #2: Adoption of the Transcripts of October 5, 2016 and November 2, 2016 public hearings along with the minutes of the October 17, 2016 Planning Board.

Discussion: Chairman Platte asked the Board if they had received the minutes and transcripts and if they had any proposed corrections. The Board agreed that there were not changes.

Decision: The Board voted unanimously to adopt the transcripts from the October 5th, 2016 and November 2nd, 2016 public hearings and the minutes from the October 17th, 2016 Planning Board meeting. (WP, CP, JD, RJ, JK – yes)

PUBLIC HEARINGS:

Item #3: #327 Broadway SPECIAL PERMIT renewal to operate a gasoline station. SBL 56.34-4-17. SEQR Determination. Zone C-2. Ward 9. Navjot Realty LLC; applicant/owner.

Discussion: No one spoke at the public hearing. Ranvir Singh was present at the meeting.

The discussion was originally tabled at the October meeting because the owner was not present. R. Singh apologized for missing the October meeting explaining that he thought it was on Tuesday instead of Monday,

The application is for renewal of a special permit to operate a gas station in the C-2 Zone. The project was originally approved in 1995 and has since been renewed, with the most recent renewal was in November 2014 for a period of two years.

R. Singh confirmed that the gas station a 24-hour operation, 7- days a week. The station has recently changed from a Citgo station to a Valero station. Signage had been changed to reflect the name change which was approved previously by the Heritage Area Commission.

Staff explained that there were no outstanding complaints with the Building Safety Division and no police reports for the past year with KPD. The Board commended the owner on this because in the past there had been numerous police reports from year to year.

A term for the special permit was discussed. Previous terms ranged from 6-months to two years with the most recent renewal being 2 years. The applicant requested a longer term. The Board expressed concern that this location is very visible and had been an issue in the past, although the new owner has done a lot to improve the site, the Board agreed to continue the 2 year term.

A determination of environmental significance was considered. Because the project involves no changes, it was categorized as a Type II Action under 6NYCRR Part 617.5 (c) (20), and therefore is predetermined by New York State to have no environmental impact and no SEQR review of the Board is required.

Decision: The Board voted unanimously to render the action a Type II under SEQR and to renew the special permit for a period of 2 years to expire on November 14, 2018 with all original conditions carried forward. (WP, RJ, JD, CP, JK – yes)

Item #4: **#256 Washington Avenue** SPECIAL PERMIT renewal to operate a residential care/assisted living facility. SBL 56.90-4-36. SEQR Determination. Zone R-2. Ward 2. Stockade Group, LLC; applicant/owner.

NOTE: Discussion on item #4 was postponed until the end of the meeting at the request of the applicant who was expecting to be late.

Discussion: No one spoke at the public hearing. Richard Caggiano was present at the meeting. The application was for renewal of a special permit for the operation of a residential care/assisted living facility known as Chiz's Heart Street. The application was last renewed in September 2014 for 1 year.

The facility has 6 employees; 4 part time and 2 full time. They serve 3 meals a day to the occupants. All rooms and laundry are done by the employees.

W. Platte stated that during the last renewal, it was mentioned that the annex building was being used for residential space. R. Caggiano said that there are currently 8 residents in the annex building but that there is capacity for 10.

K. Haber asked about the fire in the rear of the property. R. Caggiano said that there was a car fire in the parking lot that caught onto another car next to it.

The Board discussed a term for the Special Permit; zoning section 405-12(B)(11) states that residential care/assisted-living facilities shall not be issued or renewed for a period longer than 1 year. The Board agreed to the 1 year term.

A determination of environmental significance was considered. Because the project involves no changes and is purely an administrative act of renewal, it was categorized as a Type II action under SEQR, NYCRR Part 617.5 (c) (20) and does not require a determination as such.

Decision: The Board voted unanimously to render the action a Type II under SEQR and to renew the special permit for a period of 1 year to expire on November 14, 2017 with all original conditions carried forward. (WP, RJ, MW, CP, JD – yes)

Item #5: **#76-88 Spring Street** SPECIAL PERMIT to establish 6 additional residential units for a total of 12 on-site. SBL 56.42-10-8. SEQR Determination. Zone RT, Rondout Historic District. Heritage Area. Ward 8. Gordon Taylor; applicant/owner.

NOTE: Alternate Jonathan Korn recused himself from discussion because he has a potential real estate client interested in the property.

Discussion: No one spoke at the public hearing. Charles Wesley was present at the meeting to represent the owner.

The application is to seek approval for 6 additional studio apartments on the ground floor level of a building containing 6 large townhouse style apartments. The studios would only be accessible from the rear of the building with separate entrances.

At the previous meeting, the Board reviewed a number of topics including the parking lot improvements, refuse/recycling area, parking of residents, and a building manager. S. Cahill noted that the requested changes had been made to the plan and submitted to the Planning Office.

At this time, there are no changes proposed to the exterior of the building.

The off street parking requirements for the building has been met with the current plan. The parking requirement for the building is 1 space for each studio and 2 spaces for each 2-bedroom or larger. Based on calculations, the requirement is 12 spaces for the upper apartments and 6 spaces for the new studio units for a total of 18 spaces. The plans show 18 spaces in the rear parking lot. All required improvements will need to be met prior to a Certificate of Occupancy being issued.

The Board discussed the payment in lieu of parkland legislation, which allows the Planning Board to assess a fee if there are no park or recreation facilities available for the residents to use. Staff forwarded the information to the Recreation Commission for a recommendation. The Parks and Rec Commission recommended, in a letter dated September 2016, that the full amount of \$2000 per unit for the 6 additional units totaling \$12,000. The 6 existing units are exempt from any fee. The Planning Board agreed to assess the full fee of \$12,000 based on the recommendation for the P&R Commission. The applicant has been made aware that the recreation fee will need to be paid prior to the issuance of a building permit.

A dumpster enclosure area has been added to the plans. This enclosure will need to screen the dumpster from the street with either masonry, stockade fencing, or landscaping. At the previous meeting, the applicants were told that a private hauler should be contracted for pickup.

Two wall pack mounted lights are proposed for the wall of the building to illuminate the parking area and the rear entryways. Footcandles are shown on the plan. Near the building lighting levels are near 7 to 8 footcandles. This is higher than the Planning Board policy allows, however, with only two fixtures, the parking lot is illuminated. Lighting fixtures will need to be shielded and corrections will need to be made in the case of glare.

The following Board Policies were considered: #4&4a – Lighting Levels between 1-5 footcandles (the plans exceed these numbers) and corrections if necessary, #5 – maintenance of gravels parking lot, #6 – signature on final plans, #7 – active approvals and conditions met within 1 year, #12 – emptying of dumpsters between regular business hours, #18 & 18a – payment in lieu of parkland, #22 – carbon monoxide detectors, #23 – bluestone sidewalks protected.

The project is considered a Type I action under SEQR due to the location in the Rondout Historic District. The Planning Board declared itself Lead Agency at the October 17, 2016 Planning Board meeting. The Long EAF, submitted by the applicant was reviewed and Parts II and III were addressed. A resolution to issue a Negative Declaration of Environmental Significance was prepared for the Board's consideration.

Decision: The Board voted unanimously to render a negative declaration of environmental significance and to approve the special permit for 12 residential units for 1 year to expire on November 14, 2017 with the following conditions: a recreation fee of \$12,000 submitted to the Parks and Recreation Department prior to the issuance of a building permit, a Knox box installed on the building for emergency access by the Fire Department, and Board Policies #4, 4a, 5, 6, 7, 12, 18, 18a, 22, 23. (WP, JM, JD, CP, RJ – yes; JK – recuse)

Item #6: **#200 North Street** SPECIAL PERMIT renewal to establish and operate multi-use market. SBL 48.84-1-4. SEQR Determination. Zone RRR, RF-H, Heritage Area and Coastal Zone. Ward 8. Jonathan Butler/applicant; North Street Brick Works LLC/owner.

Discussion: No one spoke at the public hearing. Kevin McManus was at the meeting to represent the applicant.

The application is for renewal of the special permit for a seasonally based food and flea market utilizing existing structures and open space.

W. Platte asked how the operations did throughout the first season. K. McManus said that the first week was scary because of the number of people but that the following weeks were better managed.

K. McManus also stated that there are no changes currently proposed for the special permit but that the applicants are looking to consider private events at the site next year. They are aware that any changes in use will need to return to the Planning Board. W. Platte asked if people

have approached them for private use. K. McManus responded that they have been approached and it is something they would like to pursue.

At this time, the applicants are continuing restoration work of the other buildings on the site and they are hoping to restore the gatehouse to allow for someone to live in the building full time. They feel that having a 24 hour presence is important for better oversight of the property. K. McManus said that they hope to have the building renovated in the next 4-5 months.

S. Cahill stated that she had viewed a video on the internet about the brickyard property and potential future uses including housing. She asked if that is something that will be pursued. K. McManus said that the owners put that video out there to try to spur interest in the site but that there are no immediate plans and no assumptions of approvals. He stated that they are aware that any other uses will require approvals.

S. Cahill asked about public access along the waterfront as required by the City of Kingston zoning code. K. McManus said that they opened a trail from the Kingston Point Beach to the site for access during the market. He said that the land along the waterfront is so deteriorated and the investment would be so significant that the owner does not have plans at this time. The site is more open visually because it has been cleaned up but to fix it to the point of public access would require permitting from State agencies. The owner would eventually like to add a pier and docks but it will require Army Corps of Engineers, DEC, Department of State approvals.

A term was discussed for the special permit. The Board agreed to a 1 year term. If an increase in the intensity of uses is proposed for the site, the applicants will need to return to the Board for approvals.

A determination of environmental significance was discussed. Because the project involves no changes and is purely an administrative act of renewal, it was categorized as a Type II action under SEQR, NYCRR Part 617.5 (c) (20) and therefore is predetermined to have no environmental impact and does not require a determination of significance.

Decision: The Board voted unanimously to render the action a Type II under SEQR and to approve the special permit renewal for a period of 1 year to expire on November with all original conditions carried forward. (WP, CP, JD, RJ, JK – yes)

Item #7: **#301 Wall Street** SPECIAL PERMIT to operate a 10 room hotel and ground floor commercial space. SBL 48.331-1-19. SEQR Determination. Zone C-2, Stockade Historic District, Ward 2. Hudson Valley Kingston Development LLC; applicant/owner.

Discussion: No one spoke at the public hearing. Scott Dutton, project architect, was present at the meeting to represent the applicant.

S. Dutton explained that the plans had changed slightly since the original submission and that the hotel being proposed is now 11 rooms instead of 10. Zoning code section 405-17 (C-2) lists hotels and motels as requiring a special permit from the Planning Board.

Floor plans titled “Schematic Design” were submitted by Scott Dutton, Dutton Architecture PLLC, dated 9/29/16.

S. Dutton explained that the plan includes adding a door to the John Street side of the building to access the hotel. The plans were presented to the Historic Landmarks Preservation Commission.

S. Dutton also stated that there have been preliminary conversations with potential operators of a café. The café would service the hotel but would also be open for outside patrons.

W. Platte asked if there is a lot of interior work to be done to the building. S. Dutton said that there would be a lot of work but that they are trying to keep as many interior walls as possible.

S. Dutton told the Board that the applicant will be seeking a parking waiver based on the building being within 400ft of a municipal parking lot. He said that the previous use as office space and retail could be seen as a more intense use than what is proposed.

S. Cahill informed the Board that the project is listed as a Type I action under SEQR due to the location in the Nationally Designated Historic District. Based on information provided, staff has prepared a resolution for the Board’s consideration to seek Lead Agency.

Decision: The Board voted unanimously to adopt a resolution to seek Lead Agency in the SEQR review. Information will be circulated to all Involved and Interested Agencies. (WP, JK, JD, RJ, CP – yes)

NEW BUSINESS:

Item #8: **#260 Fair Street** SITE PLAN to establish professional offices on the 2nd floor. SBL 48.331-4-17. SEQR Determination. Zone C-2, Stockade Historic District, Ward 2. Getman Sweeney, PLLC/applicant; 260 Fair Street LLC/owner.

Discussion: Michael Sweeny and Scott Dutton, project architect, were present at the meeting.

The application is to establish office space in an existing commercial building. The second story was renovated and occupied by the current owners as residential living space. The Planning Board had issued a special permit in 2010 for the residential portion of the building. The current plan is to revert the entire building back to offices. The space encountering a change in use is approximately 3400sf with the first floor remaining as commercial/office

M. Sweeney explained that his law firm deals with wage related litigation around the country. Much of their work is not in this area which makes it rare for clients to visit the office, most of the time, the attorneys are traveling to the clients.

M. Sweeney said that at this time, they will be occupying the 2nd floor with 15 employees. The office is currently located in New Paltz but the firm has outgrown the space. He noted that eventually, they may grow to occupy the entire building but not at this time. He said that many of his employees live or have ties to Kingston and that they are excited to relocate here.

A variance for off street parking was received from the Zoning Board of Appeals in October 2016. The use requires 23 spaces with 10 provided onsite. Because the building is not within 400ft of a municipal parking lot, the variance was required.

The applicants were made aware that the building is located in the Stockade Historic District. Any exterior renovations will require review from the Historic Landmarks Preservation Commission.

The application is considered a Type II action under SEQR and therefore is predetermined to have no adverse environmental impact and no further review of the Board is required.

Decision: The Board voted unanimously to render the action a Type II under SEQR and to approve the site plan for conversion of residential space to offices in an existing building with the following conditions: exterior changes including signage approved by the Historic Landmarks Preservation Commission, a Knox Box added to the building for emergency access by the Fire Department, and Board Policy #6 – signature on final plans. (WP, JD, CP, RJ, JK – yes)

OLD BUSINESS:

Item #9: **#145 Pine Grove Avenue & #152 West O'Reilly Street** SITE PLAN to construct a 35'x36' building to house a new crematorium. SBL 56.33-3-46 & 56.41-3-5.100. SEQR Determination. Zone RRR. Ward 5 & 9. Wiltwyck Rural Cemetery; applicant/owner.

Discussion: Scott Dutton, architect, was present at the meeting to represent the applicant.

The application is to construct a 35' x 60' building to be used as a crematorium and office. The new operations will be an upgrade from the current operations and will allow for a viewing area which is important for certain religious observances.

S. Dutton said that the current crematorium shares a building with maintenance equipment. The current building will remain in place but the entire space will be used for maintenance and storage.

S. Dutton added that there will be up to 4 cremations a day. 80% of them will be without viewing. This is the only crematorium between Poughkeepsie and Albany.

K. Haber told the Board that the City Engineer reviewed the plans for storm water and utilities and stamped them approved. Water and gas currently exist at the mausoleum. The service will be extended to the new building with bathroom facilities tied into the existing septic system. A 4" sanitary line and a ¾" water service are noted on the plans. Natural gas will also be extended from the mausoleum. C. Zell has stated that he has been in contact with the Water Department and Engineering Department.

S. Dutton presented a floor plan dated 10/12/16 and photo renderings dated 11/14/16. He explained that the architecture resembles more of a house. It is very different from the architecture of the mausoleum which is more formal stonework.

R. Jacobsen asked if there will be a gated entrance to the crematorium. S. Dutton explained that the access road to the new building will be off of the existing road to the mausoleum.

Board Policies #6 – signature on final plans.

The project was considered an Unlisted Action under SEQR. A determination of environmental significance was discussed.

Decision: The Board voted unanimously to render a negative declaration of environmental significance and to approve the site plan for construction of a new crematorium with the following conditions: a Knox Box be added to the building for emergency access by the Fire Department, and Board Policy #6 – signature on final plans. (WP, JK, JD, CP, RJ – yes)

Item #10: #32 Abeel Street SITE PLAN to construct a 16,213, sf community center. SBL 56.43-5-35.100. SEQR Determination. Zone RT, Rondout Historic District, HAC. Ward 8. Irish Cultural Center Hudson Valley Inc.; applicant/owner.

NOTE: J. Dwyer recused himself from the discussion based on his affiliation with ICCHV.

Discussion: Ronald Pordy and Deborah Robbins, attorneys, Brad Will, architect, Mark Tiano, Engineer, and Matthew Rudikoff, planner, were present at the meeting

R. Pordy presented the Board with copies of the final revised FEAF updated through November 7, 2016. Also, he provided a smaller document with the redlined changes to addendums which allowed the Board to follow through the discussion and see the revisions made to the addendum pages.

D. Robbins went through the updated FEAF form noting the changes that were made to the questions within Part I of the form.

- C.2.b – Was adjusted to include Hudson Riverport Implementation Plan, to clarify that the project was discussed within this plan. R. Pordy added that it was previously mentioned as the Brownfield Opportunity Area Plan which was not a final plan, the Hudson Riverport is the final plan. The Brownfield Opportunity Area is a designated area, this project is not in that area, however it was mentioned within the plans
- C.4.b – expanded references to law enforcements services added after discussion with staff
- C.4.d – additional city parks were listed after discussion with staff
- D.2.c.1 – anticipated water demand decreased as a result of the decreased size and elimination of the banquet facility
- D.2.o – mentioned location distance of kitchen fan being 25ft from nearest residential structure

- E.1.d – remove inaccurate reference to the Kingston Catholic School/ add catholic charity daycare and U.C. veteran’s home within 1500ft of property.
- E.2.l – included reference to EAF map ware software which automatically fills in certain answers on the form
- E.3.c – revise to remove inaccurate reference to visibility of the Hudson River from the project site
- Pg 2 – B.c. – reference to area variance was removed; B.d. – removed reference to Kingston Advisory Council; B.e. – references to previous application
- Pg. 4 D.1.g.ii & iii – reference building area and square footage
- Pg. 7. D.2.j.iii – parking waiver requirement change
- Pg. 8 D.2.r.1 – revised in response to change in building size

S. Cahill asked whether blasting or pounding of the site will take place. R. Pordy does not anticipate blasting but it is not absolutely ruled out. It will likely be a rock hammer used. Test holes have been dug and R. Carey has done a lot of construction in the area without the need for blasting. There is a new addendum added in the remote case that there may be a need for blasting. S. Cahill said that pre-condition surveys will need to be done if blasting is needed. She asked whether the applicants will be conducting pre-condition surveys even though blasting may not be needed. R. Pordy said that they will be using best management practices and following the building code requirements. Whatever permits are necessary, they will be filing. M. Rudikoff said that they are familiar with Chapter 166 of the fire code and that they will be following all requirements during excavation and construction.

R. Pordy went through the redlined packet of addendums from the FEAF.

- changes to the description of the proposed action
- clarification of how space is being utilized within the building
- removal of the need for area variance
- elevation drawings
- small typos throughout document were corrected
- building narrowed
- corrected reference to Comprehensive Plan being adopted
- changes to description of ICCHV programs offered currently and those anticipated after completion of facility
- changes to stormwater management description
 - S. Cahill asked Mark Tiano to describe construction.
 - M. Tiano said that the entire site will be a construction area. Construction entrances will be added. There shouldn’t be much additional change in stormwater during construction.
 - R. Jacobsen will all construction take place from Abeel Street? M/ Tiano said that the plan does include using Abeel Street entrance.
 - S. Cahill asked about drainage. K. Haber gave the applicants copies of the City Engineer’s comments. The applicants will respond to those comments.
- changes to traffic description including transportation conditions and system in the Rondout and trip generation
- changes to parking description including off street parking requirement and information

- Addition of a section comparing on street parking description and table. M. Rudicoff said that this was done as a result of J. Korn's comment about on street parking differences between Uptown, Midtown, and Downtown
- Changes to parking and peak demand periods
- Revisions to ICCHV shuttle parking requirements and parking plan

All redline changes are represented in the clean copy of the revised FEAF dated "revised through November 7, 2016.

K. Haber asked if anyone wanted to see the plans or elevations that were presented at the November 2, 2016 public hearing. The Board agreed that they did not need to see the plans again at that time.

R. Pordy said that the next step is to go through Part II of the SEQR form and the applicants hope that they will be able to go through that at the next meeting. M. Rudikoff added that Part III will also need to be done to close the SEQR process.

The Ulster County Planning Board will be sent the referral and all the current documents and plans.

Chairman Platte informed the public that all documents are available in the City of Kingston Planning Office and that under the Freedom of Information Law, they can be viewed or copies requested.

Decision: The Board voted unanimously to table the application and refer the project to the Ulster County Planning Board. (WP, MW, CP, RJ, JK – yes; JD – recuse)

LATE SUBMISSION:

Item #11: #300 Flatbush Avenue SITE PLAN/SPECIAL PERMIT to create 66 residential units. SEQR Determination. Zone RR. Ward 6. RUPCO, inc./applicant; Ulster County Economic Development Alliance In./owner.

Discussion: S. Cahill explained that the application will need to be tabled to allow additional time to develop the plans and information. The Board should table the application at this time.

Decision: The Board voted unanimously to table the application. WP, RJ, CP, MW, JD – yes)

Nov14.2016/MINUTES